

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

|                          |   |                  |
|--------------------------|---|------------------|
| KEVIN DEON MILLER,       | ) |                  |
|                          | ) |                  |
| Plaintiff,               | ) |                  |
|                          | ) | CIVIL ACTION NO. |
| v.                       | ) | 1:16cv937-MHT    |
|                          | ) | (WO)             |
| CITY OF DOTHAN, ALABAMA, | ) |                  |
|                          | ) |                  |
| Defendant.               | ) |                  |

OPINION AND ORDER

Plaintiff filed this lawsuit asserting claims of employment discrimination and retaliation. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that defendant's motion to dismiss be denied as moot in light of the filing of an amended complaint. There are no objections to the recommendation. After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation should be adopted.

\* \* \*

Accordingly, it is ORDERED that:

(1) The United States Magistrate Judge's recommendation (doc. no. 20) is adopted.

(2) Defendant's motion to dismiss (doc. no. 7) is denied as moot.

This case is referred back to the United States Magistrate Judge for further proceedings.

DONE, this the 27th day of September, 2017.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE